

AUG - 1 2013

S = 135796

No.  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between



**ATOYA MONTAGUE**

Plaintiff

and

**TIM SHIELDS, THE ATTORNEY GENERAL OF CANADA AND THE  
MINISTER OF JUSTICE FOR THE PROVINCE OF BRITISH COLUMBIA**

Defendants

### **NOTICE OF CIVIL CLAIM**

**This action has been started by the plaintiff(s) for the relief set out in Part 2 below.**

**If you intend to respond to this action, you or your lawyer must**

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

**If you intend to make a counterclaim, you or your lawyer must**

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.**

#### **Time for response to civil claim**

**A response to civil claim must be filed and served on the plaintiff(s),**

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

## CLAIM OF THE PLAINTIFF

### Part 1: STATEMENT OF FACTS

1. The Plaintiff, Atoya Montague, was at all material times a civilian member of the RCMP and has an address for delivery at 700 - 275 Lansdowne Street, Kamloops, British Columbia.
2. The Defendant, the Attorney General of Canada (the Federal Crown), is a Defendant as a result of the acts and omissions by, or on behalf, of the RCMP, the police force, pursuant to the provisions of the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R10 and amendments thereto, and the *Crown Liability and Proceeding Act*, R.S.C. 1985, c. C50.
3. The Defendant, the Minister of Justice for the Province of British Columbia (the Provincial Crown) is a Defendant as a result of the acts and omissions by, or on behalf, of the RCMP, the police force, to the provisions of the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R10 and amendments thereto, or in the alternative, as a result of the acts and omissions on behalf of all members of the RCMP and/or the individual defendant as a member of the RCMP, all of who are deemed to be Provincial Constables pursuant to the provisions of the *Police Act*, R.S.B.C. 1996, c. 367 and amendments thereto and the *Crown Liability and Proceeding Act*, R.S.B.C. 1996, c. C89 and amendments thereto.
4. The Defendant, Tim Shields, was at all material times a member of the RCMP, holding variously the rank of Sergeant and subsequently Inspector, within the Province of British Columbia, known as "E" Division of the RCMP.
5. The Plaintiff applied to the RCMP at "E" Division headquarters in Vancouver in January of 2002, after a successful career as a senior level communications professional with Canadian Tire Corporation headquarters in Toronto, Ontario.
6. After obtaining the necessary security clearances, the Plaintiff commenced her career with the RCMP on July 15, 2002 as a temporary civilian employee. On April 2, 2003 she was deemed to be a full-time civilian member of the RCMP.
7. Throughout her career, the Plaintiff held various senior level positions at the division level as a communications specialist, including:
  - (a) Division Communications Strategist;
  - (b) Communications Director for Vancouver 2010 Integrated Security Unit (V2010 ISU); and
  - (c) Acting Regional Communications Manager for the Strategic Communications Unit.

8. The Plaintiff enjoyed exemplary annual reviews for her duties up until the significant deterioration in her health, commencing on or about August, 2011.
9. Since August of 2011, the Plaintiff has been on sick leave, also known as "off-duty sick" (ODS).
10. The relationship between the Plaintiff and the RCMP was governed by the *Royal Canadian Mounted Police Act, Regulations* and the Administrative Manuals of the RCMP and the Commissioners Standing Orders.
11. The Administration Manual of the RCMP define harassment as:  
  
*"any improper behavior by a person that is directed at, and is offensive to, another employee and which the person knew or ought to reasonably have known would be unwelcome. It comprises objectionable conduct, comment or display made on either a one time or continuous basis that demeans, belittles or causes humiliation or embarrassment to an employee".*
12. Further, the Administration Manual of the RCMP defines harassment as including:
  - (a) *Conduct that is offensive which may include but is not limited to leering, degrading remarks, jokes or taunting, insulting gestures, displays of offensive pictures or materials, and unwelcome inquiries or comments about someone's personal life;*
  - (b) *Behavior that a reasonable person would have known would be unwelcome even though the perpetrator did not know;*
  - (c) *Conduct that is physical, e.g. assault, contact, gestures, displays of pictures, or verbal, e.g. threats, intimidation, verbal abuse, comments;*
  - (d) *Harassment based on a prohibited ground under the Canadian Human Rights Act, e.g. race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or conviction for which a pardon has been granted;*
  - (e) *Sexual Harassment which includes any comment, gesture, or contact of a sexual nature that might reasonably be expected to offend or humiliate any employee, or be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion;*
  - (f) *Abuse of authority which is the improper use of power and authority to endanger, undermine, threaten, interfere with, or influence an employee's job, the performance of that job, the economic livelihood of that employee, or*

*the employee's career. It can include intimidation, threats, blackmail, or coercion.*

13. It is a term of the Administration Manual of the RCMP that each member has the right to have any incident of harassment dealt with in a prompt, fair, confidential, impartial and sensitive manner, without fear of retaliation.
14. It is a term of the Administration Manual that Commanders/Supervisors are responsible for the prevention of harassment and are to act promptly to protect all complainants from intimidation or reprisal.
15. It is a term of the Administration Manual of the RCMP that:  
*"every RCMP employee, Commander and Supervisor as well as individuals acting on behalf of the RCMP, have the responsibility to insure that the workplace is free from harassment and that conflict is expeditiously resolved".*
16. Throughout her career with the RCMP, the Plaintiff was subjected to persistent and on-going harassment and sexual harassment by male members of the RCMP, both in authority in rank over her as well as her peers.
17. The sexual harassment was intended to, and/or, have the effect of objectifying, demeaning, offending, and/or humiliating women in general, and the Plaintiff in particular, and minimizing regular and civilian female members of the RCMP and the Plaintiff in particular.
18. The Plaintiff realized that the culture of sexual harassment within the RCMP is so pervasive that the Plaintiff was personally helpless to stop it and had to be subjected to a certain level of sexual harassment, as complaining about it would only make matters worse.
19. The Plaintiff had, during her career with the RCMP, observed circumstances where complainants had been transferred out of their existing assignments to a new assignment, with a reputation for complaining following them to each new assignment.
20. The Plaintiff enjoyed the work as a communications strategist, and did not want to be transferred, dismissed, vilified, or to develop the reputation within the organization for complaining.

#### SEXUAL HARASSMENT

21. The tone of the sexual harassment commenced even before the Plaintiff formerly started, but after her initial interview with Staff Sergeant L. Following that

interview, the Plaintiff was advised that Staff Sergeant L. had told another member *"there would be a line-up of men out the door when the Plaintiff started work in his office"*.

22. Initially the Plaintiff reported to Staff Sergeant L. In every meeting the Plaintiff attended, Staff Sergeant L. would make generalized sexual remarks. In almost every interaction with him, he would turn the context of the discussion in a sexual nature and inject a conversation with sexual innuendo. While in the position or reporting to the Defendant Staff Sergeant L., the Plaintiff, along with the other women in the unit, were routinely referred to as "Charlie's Angels".
23. On one occasion, in a discussion regarding female members getting pregnant, Staff Sergeant L. retorted *"not on my watch"*.
24. The work environment and treatment of the Plaintiff by Staff Sergeant L. was demeaning and humiliating and minimized her as a member of the RCMP, which left her feeling depressed and anxious.
25. On or about 2003, the Plaintiff was working in "E" Division headquarters as a communications strategist and the Defendant, Shields, was working from the Surrey detachment as that detachment's media relations officer. On or about August of 2003, the Plaintiff and the Defendant, Shields, were required to travel to the Interior of British Columbia to drop off supplies to victims of the wild fires in Barriere, BC. While driving, and in control of the vehicle, the Defendant, Shields, showed the Plaintiff his erection through his jean shorts and made sexual advances towards the Plaintiff, asking the Plaintiff to have sex with him and advising her that he could easily pull the car over so that he could perform oral sex on her.
26. The Plaintiff was in absolute shock, repelling the Defendant, Shields', unwanted and unprompted advances.
27. The Defendant, Shields, misused and/or abused his position of trust and/or authority and rank over the Plaintiff. He further took advantage of the fact that he was in total control of the vehicle and the Plaintiff was a captive passenger.
28. On or about 2008, the Defendant, Shields, was promoted to NCO in charge of Strategic Communications Unit and the Plaintiff reported directly to him. The Plaintiff at this time was second in charge of the Strategic Communications Unit. On or about the month of July 2008, the Defendant, Shields, again made similar unwanted and unprompted sexual advances towards the Plaintiff while in his police car with the Plaintiff as captive passenger. On this occasion he showed the Plaintiff his penis.

29. The Defendant, Shields', misconduct was malicious and willful and he acted solely with the intention of sexual gratification, which sexually humiliated the Plaintiff and demeaned her value as civilian member of the RCMP and as a human being.
30. The Defendant, Shields, made repeated advances towards the Plaintiff during her tenure at "E" Division's Headquarters. He continued to make sexual remarks and advances towards the Plaintiff and expressed his interest in having sex with her. He sent her sexually explicit text messages.
31. The Defendant, Shields, regularly made comments about the Plaintiff's breasts.
32. The Defendant, Shields, inquired of the Plaintiff if she had ever told anybody about the incident in 2003. He advised the Plaintiff he would get in big trouble if anyone ever found out, saying that the RCMP took sexual harassment seriously.
33. The Defendant, Shields, asked the Plaintiff to promise him that she would never tell anyone of the incident.
34. Despite this, the Defendant, Shields, continued to make sexual remarks and advances towards the Plaintiff and continually expressing his interest in having sex with her.
35. The Plaintiff did not report the misconduct of the Defendant, Shields, for fear of negative repercussion that it could have on her career.
36. On or about the month of November 2008, the Plaintiff attended a meeting involving the most senior ranks of the RCMP in preparation for a live media scrum. Following the meeting, the Plaintiff was in the process of leaving the room and bent over to collect her laptop. As she stood up in front of the Defendant Shields, he whispered to the Plaintiff *"your wearing a red thong and the Commissioner totally just checked it out and stared at your ass while you put your laptop away"*.
37. The Defendant, Shields, then commented, as he had on many occasions *"whatever it takes, Montague, whatever it takes"*.
38. Deeply embarrassed and offended, the Plaintiff took these comments to mean that she should wear whatever provocative clothing necessary to get senior management within the organization to "give in" to her requests and/or strategic advice.
39. In August of 2003, the Plaintiff was deployed to wildfires in the Kamloops area and while there attended Tactical Troop briefings for information updates to share with the public. In the evenings, the Plaintiff was asked to attend social gatherings for the Tactical Troop camp.
40. While on site, the Plaintiff was subjected to teasing, jeering, jaunting and several embarrassing sexually charged comments.

41. Prior to leaving, the Plaintiff dropped by the camp to say goodbye and wrap up last minute updates. Unbeknownst to the Plaintiff, an unscheduled meeting of approximately 100 male members was being held at the camp. As the Plaintiff arrived, a fuss was made regarding her late arrival, despite the fact that she was not even scheduled to be there. The Plaintiff was singled out in front of everyone present and fined five dollars for "*being a princess and sleeping in*". These comments were met by cheering, laughing and clapping by the 100 male members in attendance.
42. This incident, apart from embarrassing the Plaintiff, humiliated her and minimized her as a female civilian member.
43. Commencing in 2004, the Plaintiff reported to Staff Sergeant W. The Plaintiff, along with any other women in the Unit, were routinely referred to as "John's harem".
44. On or about the year 2004, the Plaintiff was required to travel with Staff Sergeant W. to Ottawa to attend meetings at National Headquarters Public Relations. While in Ottawa, Staff Sergeant W. invited the Plaintiff to his room for a drink. When the Plaintiff arrived, Staff Sergeant W. was wearing nothing but a swimsuit and asked the Plaintiff to sit and have wine with him. The Plaintiff, felt this was totally inappropriate and it made her uncomfortable, and as a result she left.
45. On or about the month of March, 2007, a part of the Plaintiff's responsibilities were to promote and showcase the work of the Specialized Integrated RCMP Units and, as such, invited the news media to attend a police helicopter hover training day, specialized in training for RCMP police dogs.
46. At the end of the day the Plaintiff was surrounded by male police dog section members making sexually suggestive comments, taunting and literally, physically circling the Plaintiff, pushing and rubbing up against her and requesting the Plaintiff to join them in their social event later that evening.
47. The Plaintiff was terrified, literally running away from that encounter.
48. On or about the year 2007, the Plaintiff asked one of the senior officers in charge of the Integrated Homicide Investigation Team to do a radio interview, and he responded by saying he would only do the interview if the Plaintiff promised to take him out on a date. This senior officer followed up the request for the radio interview by asking when the Plaintiff would be taking him out. He also responded to the Plaintiff's work related messages by commenting on her looks.

49. On or about the year 2008, the Plaintiff was leaving the cafeteria at headquarters, when Staff Sergeant W. commented to a colleague of the Plaintiff in French, "she really has a really nice ass" (translation).
50. On or about the year 2008/2009, the Plaintiff had a meeting involving senior ranks in British Columbia. The topic of the meeting was then the latest incident involving an RCMP member involved in a sex related scandal. While the meeting was in session, a Chief Superintendant entered the office and was advised what the topic of the meeting was and when advised his response was "*well, you know, boys will be boys*". Everyone in the room laughed.
51. By this point in time in the Plaintiff's career, she recognized that this attitude was part of the culture of the organization and how futile it would be to complain about being sexually harassed.
52. In 2010, the Plaintiff attended the groundbreaking event for the new "E" Division headquarters. She was standing next to an area next to dignitaries and politicians. The team leader for the ERT team, Sergeant T., came up to the Plaintiff and commented "*the boys and I are really enjoying the view looking at your ass*".
53. On or about April of 2005, the Plaintiff was attending a social event at a Vancouver 2010 Integrated Security Unit management conference in Parkesville, BC. Seated on a couch at an evening social event, a senior RCMP officer, Superintendent B., sat next to the Plaintiff.
54. She had met Superintendent B. for the first time earlier that day. Within a few minutes of being seated next to her, he moved physically closer to the Plaintiff and placed his hand on her thigh.
55. The Plaintiff was shocked and embarrassed and, being new to the new V2010 ISU unit, did not want to make a fuss and panicked and did not know what to do.

#### HARASSMENT -

56. After waiting a number of months to commence employment, the Plaintiff discovered on her first day of employment with the RCMP that she would:
  - (a) be classified at a lower level (LN03) than was originally discussed in the interview (LN04) with a difference in salary of approximately \$15-\$20,000.00 per year;
  - (b) be hired as a temporary civilian employee on a contract basis, as opposed to being hired as a full-time civilian member as discussed during the initial interview; and



- (c) a permanent full-time position would be posted in 1-3 months, and would only then be classified at the higher level (LN04).
57. The Plaintiff was placed in a cubicle and ignored for months, apart from the odd, menial tasks assigned to her by a colleague.
  58. The Plaintiff was not invited to participate in meetings by the unit manager and was excluded from discussions about emerging issues. As a result, the Plaintiff had to take it upon herself to invite herself into strategic communication meetings.
  59. At such meetings and in circumstances where the Plaintiff spoke up, or offered an opinion, her supervisor, Staff Sergeant L. and civilian member S. would simply ignore her and carry on the discussion as if she had not even spoken.
  60. On or about October of 2002, the RCMP posted the position she was working in and the Plaintiff was advised for the first time that she would have to compete for this posted position against external candidates.
  61. The Plaintiff thus applied and was successful in winning the external job competition, but was subsequently advised that it would take an additional six months before the position would be upgraded to the higher level (LNO4) as promised.
  62. The Plaintiff worked for approximately 12 months in the permanent position before the Plaintiff was advised that the position at the LNO4 level would have to be posted for competition and she would once again have to apply.
  63. In May of 2004, the Plaintiff again applied for the very job she had been fulfilling for 2 years (for which she had been originally been assured the higher level of pay-LN04). Finally, in July of 2004, was informed that she was the successful candidate.
  64. It had taken the Plaintiff over 2 years, on an emotional rollercoaster, to be given the job and the rate of pay that she had been promised before she started with the RCMP.
  65. During the initial 2 years as a division communications specialist, the Plaintiff was expected to work beyond her regular work hours, including numerous evenings and weekends. The Plaintiff was advised that these additional hours were expected of her with no remuneration, which was a consistent theme throughout her employment while under the supervision of Staff Sergeant L. and Staff Sergeant W.
  66. The Plaintiff subsequently found out that Staff Sergeant L. and civilian member S., as well as other regular members of the RCMP, were claiming overtime on a regular basis.

67. On or about 2005, the Plaintiff was transferred to Vancouver 2010 Integrated Security Unit for the Olympics (V2010ISU). The transfer was to become Director of Communication for that unit with an increased pay level at EXO1.
68. The Director of Communications was a critical component of the senior management of the unit. Her role included responsibilities including:
  - (a) providing strategic and tactical advice counsel on issue management strategies to senior management and the national executive team on communications (PR needs, strategies, priorities, feasibility and resource requirements);
  - (b) develop and manage external and internal communication strategies to address critical needs, as strategic priorities for the unit;
  - (c) management of communication staff, directing strategic initiatives in collaboration with governments, VANOC and other police and security agencies.
69. When the Plaintiff arrived, a storage closet was cleared out and given to her for use as an office. For the entirety of her time at V2010 ISU, the Plaintiff was left in this makeshift office, isolated from the rest of the group and ignored.
70. The RCMP HR department failed to take the steps necessary to properly document her new position and the Plaintiff's transfer:
  - (a) they failed to finalize the Plaintiff's documentation to classify her new position at EXO1 level; and
  - (b) failed to properly file the internal transfer form to indicate the physical transfer of her role and location.
71. The V2010 ISU was comprised predominately of male members, with the exception of female civilian support staff.
72. The Plaintiff was regularly treated as a support staff by her male counterparts. She was regularly approached to perform administrative tasks, such as typing.
73. During her tenure at V2010ISU, the Plaintiff's pay remained at the LN04 level and the Plaintiff observed many members being promoted and management relocated into proper offices with windows, etc. while she remained in the makeshift office.
74. The Plaintiff regularly raised her objections with the officer in charge of the V2010 ISU, as well as her home unit boss back in "E" Division headquarters. All of the Plaintiff's objections were ignored.

75. During the Plaintiff's tenure at V2010 ISU she was forced to manage critical issues with the senior executive of VANOC, as well as representatives of the Governments of BC and Canada, without support from her supervisor or any of the RCMP senior management team.
76. The Plaintiff would attempt to contribute to meetings and would be ignored, only to have one of the officers in attendance at the meeting come into a meeting the following week and repeat what the Plaintiff had said the week prior, and have everyone be on board, congratulating him for such a great idea.
77. As the Plaintiff had dual reporting lines at the time, the Plaintiff, on or about January, 2007, sent an email to her line officer, the officer in charge of the Operations Strategies Branch, outlining the issues that she was facing and proposing a solution. He never responded.
78. The Plaintiff could no longer work at what she perceived to be an oppressive boys club, being ignored and working alone without support in a very high pressured job. As a result, on or about March of 2007, she spoke with Staff Sergeant W., her former supervisor, and requested that she be transferred back to "E" Division headquarters.
79. The Plaintiff was advised that the paperwork had never been processed by HR and, therefore, there was no paperwork to reflect the fact that the Plaintiff had even been transferred out of "E" Division.
80. However, Staff Sergeant W. advised her that if she went back to "E" Division headquarters *"her reputation would be ruined, she would be labeled as "she couldn't handle it" and that she would never get any further promotions within the Defendant RCMP's organization"*.
81. The Plaintiff's response to Staff Sergeant W. was that she would rather take the risk than face another day in the abusive, oppressive environment of V2010 ISU.
82. Prior to returning to "E" Division, the Plaintiff requested an exit interview with the officer in charge of V2010 ISU to advise her of the reasons for her departure.
83. The officer in charge became very emotional and upset, blaming the Plaintiff for the treatment she received, saying *"that she rolled over and gave up and stopped fighting for what she needed"*. The officer in charge also commented to the Plaintiff, *"what did you do to protect me against the audit they are doing on the unit right now"*.
84. The Plaintiff was shocked, she did not even know that the unit was being audited and, in her role as Director of Communications, would have nothing to do with any audit in any event.

85. In November of 2007, the Plaintiff traveled to Guatemala with six male colleagues, 2 male RCMP officers, 2 civilian organizers and 2 male reporters.
86. On the mission in Guatemala, the Plaintiff was:
- (a) pushed out of social events;
  - (b) excluded from meetings;
  - (c) made to ride to and from work and outings alone in a vehicle driven by two armed guards;
  - (d) forgotten and left alone in an empty building in downtown Guatemala City by her male colleagues; and
  - (e) made to find her own way home from Guatemala City without an offer to provide her with a vehicle with armed escorts to pick her up, or security of any kind.
87. Towards the end of the 14 day mission, the Plaintiff, again excluded from meetings, was invited by Guatemalan prosecutors for a drive in an armed vehicle to observe the slum neighborhoods. In the presence of the officer in charge of the mission (OIC), the Plaintiff requested and received permission to accompany the Guatemalan prosecutors.
88. While on this tour, the armed vehicle was fired upon with a warning shot from the slums.
89. Upon return, the Plaintiff advised the civilian organizers of the incident, who expressed concern about how seriously the RCMP would view the incident. As a result, the Plaintiff immediately called her supervisor, Staff Sergeant W., in Vancouver, regarding the incident, and he assured her that everything would be okay, she had done nothing wrong and to "*just hang in there*".
90. The following day, the Plaintiff was berated by the OIC over the incident, despite the fact that he was present when she requested permission to accept the invitation from the Guatemalan prosecutors.
91. A few weeks after her return to Canada, Staff Sergeant W. provided the Plaintiff with a two page Diplomatic Briefing Note regarding the mission, which was circulated amongst RCMP senior officers as well as federal administrators of the Government of Canada.
92. There was a reference to the trip into the neighborhoods of Guatemala in the Briefing Note.

93. The Briefing Note identified that the Plaintiff had disobeyed orders from her OIC and had participated in activities that put her life, and the life of security forces of Guatemala in danger, and that she was cavalier, laughed about it and refused to accept discipline and guidance that was provided to her by the OIC.
94. This Briefing Note was written without consultation with the Plaintiff regarding her version of events, or even as to the veracity of the statements contained in the note.
95. When asked if she could provide a rebuttal to the Briefing Note, the Plaintiff was advised by Chief Superintendent M. *"Atoya don't do a rebuttal, it will make things worse for you, I am telling you as a civilian female member, if you try to take these guys and rebut this, they will eat you alive and make it worse for you, let it go"*.
96. It was made apparent to the Plaintiff that this Briefing Note had the effect of ruining the Plaintiff's reputation, both within the RCMP, and at the most senior levels of government.
97. Thereafter, the Plaintiff had to work regularly with the two authors of the Briefing Note and had to struggle against feelings of anger, trauma and betrayal that she was experiencing as a result of this.
98. On the Guatemalan mission, and as result of the Plaintiff being excluded from meetings and social events involving the RCMP members and civilian organizers, the Plaintiff went for meals with the reporters. On one occasion, one of the reporters was loud and argumentative, complaining at length about the RCMP. It was uncomfortable for the Plaintiff, particularly as she could not simply get up and leave, as it was unsafe for a female to be alone on the streets of Guatemala City at any time during the day.
99. After one heated and uncomfortable dinner, the reporter approached the Plaintiff and, in a low voice, whispered *"you know I could kill you right here and nothing would ever happen to me, I would get away with it scot free and that would be that"*.
100. The Plaintiff was shocked and terrified by this statement, but had to continue back to her hotel in his company, for safety reasons.
101. On return from the mission a number of days later, the Plaintiff reported this incident to both Staff Sergeant W. as well as the Commanding Officer, however nothing further came of her report of the incident.
102. From on or about the year 2008 to 2011, the Plaintiff reported to the Defendant, Shields. During this time the Plaintiff routinely and repeatedly requested to have her position reclassified so as to properly reflect the duties she was performing as second in command of the Unit.

103. The Defendant, Shields, advised the Plaintiff that he "*did not want her getting classified higher than him*". As a result, the Defendant failed to take the steps necessary to post the position in which the Plaintiff had been working in to allow the Plaintiff to apply for the job she was performing and be properly remunerated.
104. The position was Acting Strategic Communications Manager. This position was considered to be second in charge of the strategic communications unit. This position assumed increased responsibilities, managing a unit of approximately 24 employees, 10 of whom reported directly to her. The Plaintiff's expanded responsibilities including managing staff and resources, budgeting, representing the deputy commissioner on all external and internal communications, working directly with senior management to manage various emerging issues and crises, and strategic planning. The Plaintiff's predecessor did not manage any staff, nor assumed any HR functions in the role.
105. While in this acting position, the Plaintiff was remunerated significantly less than her male predecessor (who was also a civilian member) , to the extent of approximately \$40,000.00 per year, plus a vehicle.
106. Despite the fact that she was in second in command of the unit, when the OIC (the Defendant, Shields) was away, she was advised she would not be the acting OIC because she was not a regular member.
107. When the Plaintiff persisted in her requests of the Defendant, Shields to re-classify her position to reflect her increased duties to be properly remunerated, she was advised by the Defendant, Shields, to "*write it up*".
108. The Defendant Shields knew or ought to have known that this was a clear violation of proper HR practices and unethical and put her in a conflict of interest, given that she was acting in the job. He knew or ought to have known that the Plaintiff would have to refuse to write it up, which she did.
109. Despite taking on senior level roles and responsibilities, managing a unit of 24 staff, including 10 directly reporting to her, as well as having been involved of the management of some of the most high level crises the RCMP has ever faced, the Plaintiff has never progressed whatsoever in her career from what she was initially offered when she joined the RCMP in 2002.
110. On or about June of 2011, Chief Superintendent B. became the OIC of the Strategic Communication Unit.
111. At that time, the Plaintiff was being remunerated at the LNO5 level and had received outstanding job assessments outlining the need to upgrade her position to reflect the roles and responsibilities of the position she had been filling for four years. The

position needed to be re-classified by at least two levels higher to properly reflect the responsibilities of the position.

112. Upon Chief Superintendent B.'s arrival, he requested the Plaintiff to meet with him, showing her an organizational chart and advising her "*I would rather see you here*" pointing to the LNO3 box, "*then have this box filled*", pointing at the box she was acting in at the time.
113. The Plaintiff saw that Chief Superintendant B. was proposing to demote her by two levels from what she was presently at, which was at least two levels below where she should have been.
114. Subsequently, Chief Superintendent B. pushed the Plaintiff out of meetings by stating she was too busy to run the meetings, too busy to set agendas, etc. Thereafter, the Plaintiff was shut out from all decision-making meetings. Chief Superintendent B. would override her decisions with employees and she was no longer involved in management of emerging issues, or having contact with the Commanding Officer, all of which was part of her job description.
115. Despite the advice from her previous supervisor to "*hang in there*", the Plaintiff became increasingly ill and, by August of 2011, had developed migraines, had chronic insomnia and back pain, had no energy, became very ill and was overcome with an overwhelming sense of dread and sadness, and suffered from anxiety attacks.
116. The Plaintiff went to her family doctor, who put her on medical leave in early August of 2011.

#### HARASSMENT: HEALTH SERVICES

117. The Plaintiff started to receive phone calls from RCMP Health Services in late October, 2011. The telephone calls were chastising in nature, threatening in tone, insistent and intrusive, threatening the Plaintiff to call Health Services and describe her medical situation in more detail, and in person.
118. By this point in time, Health Services had received all the medical information and forms that they had requested, and these calls increased the Plaintiff's anxiety and her general health deteriorated.
119. Health Services was persisting in calling and speaking to the Plaintiff directly, and also insisting that the Plaintiff deal directly with her OIC, Chief Superintendent B., and keep in contact with him as per their interpretation of the policy.
120. This insistence by Health Services was worsening the Plaintiff's condition, and the Plaintiff anxiety, particularly any prospect of speaking directly with her OIC Chief Superintendent B. for obvious reasons that were apparent to everyone.

121. The Plaintiff's doctor, and treating psychologist, advised her that they would deal directly with the RCMP, and that the RCMP were not to contact her directly, as it was having an adverse affect on her health.
122. By November of 2011, the Plaintiff had been assessed by her psychologist as having an adjustment disorder with mixed anxiety and depressed moods.
123. By February of 2012, the Plaintiff's family doctor, and treating psychologist, had provided all forms requested by the RCMP and advised them that the RCMP Health Services was to deal directly with them and not to contact the Plaintiff directly as it was injurious to her recovery.
124. Despite this explicit medical advice from the Plaintiff's doctor, the RCMP Health Services persisted in contacting the Plaintiff directly, when they knew, or should have known, that to do so was worsening the Plaintiff's condition.
125. The RCMP Health Services continued to contact the Plaintiff directly after February of 2012, and threatened that they would no longer support her medical leave cutting off her medical leave pay unless there was direct communication with the RCMP.
126. In this same time frame, the RCMP Health Services was not making contact with the Plaintiff's doctors, or treating specialists, to obtain the required information they claimed to need.
127. At this time, the RCMP Health Services were surreptitiously investigating the Plaintiff's medical condition by contacting the Plaintiff's boyfriend seeking medical information about the Plaintiff, and also threatening the Plaintiff through her boyfriend to cut off the Plaintiff's medical leave and pay.
128. In November of 2012, the Plaintiff was assessed by a psychiatrist who diagnosed her with PTSD and major depressive disorder.
129. Some of the symptoms of the Plaintiff's PTSD include, but are not limited to:
  - (a) agoraphobia;
  - (b) reoccurring, intrusive memories;
  - (c) nightmares;
  - (d) sleeplessness, difficulty sleeping, difficulty staying asleep;
  - (e) significantly increased irritability;
  - (f) significantly reduced concentration;



- (g) short term memory loss;
- (h) hyper-vigilance regarding personal security;
- (i) hyper-arousal to noise and movements;
- (j) avoidance behaviors including alcohol;
- (k) an overwhelming sadness/lack of happiness;
- (l) sense of detachment or loss of connection;
- (m) shortness of breath;
- (n) Acute anxiety and panic attacks
- (o) increased heart rate;
- (p) inability to multitask;
- (q) total isolation from family and friends;
- (r) unrealistic fear of crowds and public places;
- (s) fear of men, fear of male mounties;
- (t) weight loss;
- (u) inability to manage self care.
- (v) Bruxism (teeth grinding), TMJ
- (w) Sexual dysfunction
- (x) Migraines
- (y) Chronic neck, shoulder and back pain
- (z) Eczema

130. The Plaintiff's medical condition results in her total disability, a loss of enjoyment of life, cost of care, and income loss, and the Plaintiff will continue to so suffer.

**Part 2: RELIEF SOUGHT**

1. General damages;
2. Special damages;

3. Past loss of opportunity;
4. Future income loss;
5. In the alternative, diminished earning capacity;
6. Cost of care;
7. Aggravated damages;
8. Punitive damages;
9. Interest pursuant to the court order *Interest Act* RSBC 1996, Chapter 79, from the date of judgment or date of payment, whichever is sooner;
10. Costs;
11. Such further and other relief as this Honourable Court may deem meet and just.

### **Part 3: LEGAL BASIS**

1. By virtue of the provisions of the *Police Act* RSBC 1985 c. 367 and in an agreement between the Federal and Provincial Crowns, the Provincial Crown is vicariously and/or statutorily liable for the negligence of any and all members of the RCMP within British Columbia.
2. The Provincial Crown is otherwise vicariously liable for the negligence of the RCMP, its employees and/or agents in British Columbia involved in matters described herein.
3. The Plaintiff further claims that the Federal Crown and the Provincial Crown on behalf of the RCMP and each of them, one or the other or any combination of, are vicariously liable for the actions of all of the named Defendants and any other members of the RCMP involved in matters set out herein.
4. All Defendants are under a duty to comply with the terms of the *Royal Canadian Mounted Police Act*, RSC 1985 c. R 10, Regulations as well as any and all stated policies and/or *Commissioner's Standing Orders* as expressed in the Administration Manuals of the RCMP or stated elsewhere.
5. The Defendants and each of them or any combination thereof are responsible to the Plaintiff and owe the Plaintiff a duty to provide a workplace free from sexual assault, sexual abuse, sexual harassment and any harassment, sexual or otherwise.
6. In addition, or in the alternative, the Plaintiff and the Defendant, the Federal Crown, or in the alternative, the Provincial Crown, entered into an agreement in writing, or in the

alternative, a contract made orally or partly in writing, or in the alternative a contract made orally, for the purposes of engaging the Plaintiff as a member of the RCMP.

7. It was a term of the contract, express or implied, that the Defendants would provide a work environment free from harassing behavior, sexual abuse and/or sexual assault, and that any report of inappropriate conduct would be investigated, and the safety of the workplace for the Plaintiff would be provided in accordance with the *Royal Canadian Mounted Police Act, Regulations*, stated policies of the RCMP and/or *Commissioner's Standing Orders* as set out in the Administrative Manual or stated elsewhere.

8. The Defendant Shields is liable to the Plaintiff for civil sexual assault and the tort of battery. He acted with the intent of sexual gratification which resulted in harmful and offensive contact with the Plaintiff.

9. The Defendant Shield abused his position of authority over the Plaintiff in order to commit the acts of sexual assault.

10. The misconduct of the Defendant Shields was malicious and willful and caused or contributed to a recognizable psychiatric illness or psychological harm to the Plaintiff, such as to warrant aggravated damages because the assaults and batteries occurred in a humiliating and undignified manner.

11. The conduct of the named and otherwise identified Defendants as set out herein described as sexual assault, sexual harassment and harassment both operationally and by Health Services, and their cumulative effect, whether separately or in combination, constitutes harassment contrary to the Administration Manual of the RCMP and/or constitute negligent and/or intentional infliction of mental suffering.

12. Their conduct was willful and malicious and as such is worthy of sanction by the court.

13. The failure of the Plaintiff's supervisors to prevent the obvious harassment and their subsequent failure to investigate her complaints when made constitutes a breach of their duty of care to the Plaintiff and is a breach of the Administration Manual.

14. The OIC, Health Services, was negligent and or in breach of the terms of the Administration Manual by failing to supervise or reasonably supervise the conduct of those members of Health Services Branch involved in the Plaintiff's file.

15. Members of the Health Service Branch were negligent and /or otherwise in breach of the provisions of the Administrative Manuals by ignoring the explicit direction of the Plaintiff's health care professionals to have no direct contact with the Plaintiff, at a time when they knew or ought to have known it could seriously affect her health and recovery; by conducting a surreptitious investigation of the Plaintiff's medical condition; and by threatening the Plaintiff with the cancellation of her medical leave and pay

16. The Plaintiff pleads and relies upon the provisions of the *Limitation Act* RSBC 1996 c 266.

17. It is a direct and foreseeable consequence of the negligent conduct of the Defendants, either individually or in combination, that the Plaintiff's career would be jeopardized and that she would suffer loss and injury.

Plaintiff address for service:

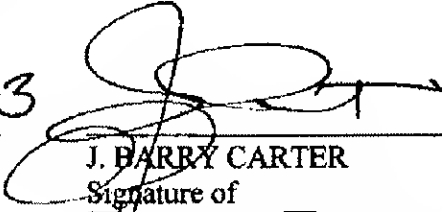
Mair Jensen Blair LLP  
Barristers & Solicitors  
700 - 275 Lansdowne Street  
Kamloops, BC V2C 6H6  
Fax number address for service (if any): N/A  
E-mail address for service (if any): N/A

Place of trial: Vancouver, BC

The address of the registry is:

800 Smithe St.  
Vancouver, BC V6Z 2E1  
Telephone: (604) 660-2847  
Fax: (604) 660-2420

Dated: August 1, 2013

  
J. BARRY CARTER

Signature of

☐ plaintiff

☒ lawyer for plaintiff

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and
  - (b) serve the list on all parties of record.

#### APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

**Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:** Personal injury, negligence and breach of contract.

**Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:**

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☒ another cause

A dispute concerning:

- ☐ contaminated sites
- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☒ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

**Part 3: THIS CLAIM INVOLVES:**

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- ☒ none of the above
- ☐ do not know

**Part 4:** the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R10  
the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C50  
the *Crown Proceeding Act*, R.S.B.C. 1996, c. 89  
the *Police Act*, R.S.B.C. 1996, c. 367  
the *Limitation Act*, R.S.B.C. 1996 c.266

